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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/461,335	12/15/1999	KAZUO TANAGUCHI	826.1581/JDH	3674

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EXAMINER

WALLACE, SCOTT A

ART UNIT	PAPER NUMBER
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2671

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/461,335

Applicant(s)

TANAGUCHI ET AL.

Examiner

Scott Wallace

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

Drawings

1. The drawings are objected to because Fig. 33 is not even mentioned in the specification. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The abstract of the disclosure is objected to because the Abstract is over two pages and 25 lines. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-25 are rejected under 35 U.S.C. 102(a) as being anticipated by Adobe Photoshop 5.0 User Guide.

5. As per claim 1, Adobe Photoshop 5.0 User Guide teaches a figure selection method of selecting a figure formed by a plurality of figure elements, comprising: retrieving figure elements adjacent to a designated figure element (pg 157).

6. As per claim 2, Adobe Photoshop 5.0 User Guide teaches retrieving figure elements in a neighborhood of the designated figure element (pg 157).

7. As per claim 3, Adobe Photoshop 5.0 User Guide teaches retrieving figure elements adjacent to the retrieved figure element (pg 157).

8. As per claim 4, Adobe Photoshop 5.0 User Guide teaches said retrieving performs a retrieval process a predetermined number of times (pg 157).

9. As per claim 5, Adobe Photoshop 5.0 User Guide teaches displaying the figure elements retrieved by said retrieving in a style different from that of other figure elements (pg 157).

10. As per claim 6, Adobe Photoshop 5.0 User Guide teaches a figure element designation unit designating a figure element (pg 157); and a figure element retrieval unit retrieving a figure element adjacent to the designated figure element (pg 157).
11. As per claim 7, Adobe Photoshop 5.0 User Guide teaches wherein the figure element retrieval unit retrieves a figure element in a neighborhood of the of the designated figure element (pg 157).
12. As per claim 8, Adobe Photoshop 5.0 User Guide teaches wherein the figure element retrieval unit further retrieves a figure element adjacent to the retrieved figure element (pg 157).
13. As per claim 9, Adobe Photoshop 5.0 User Guide teaches wherein the figure element retrieval unit performs a retrieval process a predetermined number of times (pg 157).
14. As per claim 10, Adobe Photoshop 5.0 User Guide teaches a display unit displaying the figure element retrieved by the figure element retrieval unit in a style different from that of other figure elements (pg 157).
15. As per claim 11, Adobe Photoshop 5.0 User Guide teaches a computer-readable storage medium storing a figure selection program selecting a figure formed by a plurality of figure elements, comprising: retrieving a figure element adjacent to a designated figure element (pg 157 and 6 column 2).
16. As per claim 12, Adobe Photoshop 5.0 User Guide teaches wherein said retrieving retrieves a figure element in a neighborhood of the designated figure element (pg 157).
17. As per claim 13, Adobe Photoshop 5.0 User Guide teaches wherein said retrieving further retrieves a figure element adjacent to the retrieved figure element (pg 157).
18. As per claim 14, Adobe Photoshop 5.0 User Guide teaches wherein said retrieving performs a retrieval process at a predetermined number of times (pg 157).
19. As per claim 15, Adobe Photoshop 5.0 User Guide teaches displaying the figure element retrieved by said retrieving in a style different from that of other figure elements (pg 157).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Scott Wallace** whose telephone number is **703-605-5163**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mark Zimmerman**, can be reached at 703-305-9798.

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Art Unit: 2671

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



MARK ZIMMERMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600